



U.S. Department of Justice

Federal Bureau of Investigation

*CALEA Implementation Section
Suite 300
14800 Conference Center Drive
Chantilly, VA 20151*

May 15, 1998

Mr. Larry Clinton
Associate Vice President, Large Company Affairs
United States Telephone Association
1401 H Street NW, Suite 600
Washington, D.C. 20005-2164

Dear Mr. Clinton:

Thank you for your letter dated May 8, 1998, regarding a request for a meeting in regard to the Federal Bureau of Investigation's (FBI) Final Notice of Capacity. As you know, the Final Notice of Capacity was promulgated under the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. Section 553. In accordance with the requirements of Section 553, written comments were sought from interested parties and were considered by the FBI in crafting the Final Notice of Capacity.

I agree with your statement that it may be beneficial for wireline carriers of the telecommunications industry to meet and jointly develop a traffic model for determination of the number of call data channels and call content channels, based on the fact that traffic engineering expertise resides primarily within the industry. I would be happy to meet with you and provide interpretative guidance relative to questions you may have concerning the Final Notice of Capacity; however, it is not appropriate for the FBI to participate in this traffic modeling exercise. The Communications Assistance for Law Enforcement Act (CALEA) mandates only that a Notice of Capacity provide notice of the actual and maximum number of communications interceptions, pen registers, and trap and trace devices that law enforcement may conduct in the future. CALEA does not mandate that law enforcement go beyond providing notice of an estimate of the **number** of communication interceptions, pen registers, and trap and trace devices.

I look forward to meeting with you and industry representatives. Again, thank you for your letter and ongoing commitment to the implementation of CALEA.

Sincerely,

H. Michael Warren
Senior Project Manager/Chief
CALEA Implementation Section